

IN THE CLAIMS

Please cancel Claim 30.

BASIS FOR THE AMENDMENTS

The Abstract has been substantially revised, as suggested by the Examiner. Support is found in the claims as originally filed and also page 30, first paragraph.

Claim 30, which is drawn to non-elected subject matter, has been cancelled.

Applicants reserve the right to pursue this claim in a divisional application.

REMARKS

Applicants thank Examiner Zirker for the courteous and helpful discussion held with Applicants' U.S. representative on May 20, 2003. The results of that discussion are summarized and expanded upon below.

Applicants thank the Examiner for acknowledging their claim to priority and for indicating that the foreign priority documents have been received. Applicants also thank the Examiner for considering all the Information Disclosure Statements submitted to date. Thus, when taken with the remarks submitted herewith as during the interview, this case is now ready for allowance and issue.

The Abstract has been amended as suggested by the Examiner. Support is found in the claims as originally filed.

Applicants affirm their election of Claims 1-29, made by telephone and without traverse.

The rejection of Claims 1, 2 and 14-29 under 35 U.S.C. §112, first paragraph, is kindly traversed. Applicants note that the section referred to by the Office in the rejection

falls under the preferred embodiments part of the specification. Indeed, page 4 of the specification, lines 25ff, discloses that the polyamide copolymer is only a preferred embodiment of the antistatic agent. The claims do not lack any critical or essential antistatic agent, and they are thus enabled for their full scope. Withdrawal of this ground of rejection is kindly requested.

The rejection of Claims 1-29 under 35 U.S.C. §103(a) over EP 949559 (EP '599) alone or in combination with Janocha et al, is kindly traversed. As was discussed during the interview, at best these references teach that the antistatic agent should be in the heat-sealable resin layer, and not in the interlayer as claimed.

In EP '599, the antistatic agent appears only in the heat-sealable resin layer. See reference paragraph [0009]. Indeed, at paragraph [0006], the reference discloses the problems with antistatic agents in previous systems. The EP '599 reference solves these problems with a specific heat-sealable resin layer (reference paragraph [0008]), which contains a particular antistatic agent (reference paragraph [0009]).

As was discussed during the interview, the EP '599 resin base layer may be multicomponent, and the reference discloses an interlayer (D), but in no case can the claimed interlayer (even combined with the claimed base layer) read on either the EP '599 resin layer or interlayer, because there is no teaching of any antistatic agent in any layer other than the EP '599 heat-sealable layer.

Applicants also note that the EP '599 resin layer may include inorganic fine particles, but these are different from the antistatic agent. Nowhere does the reference ascribe any antistatic properties to the inorganic fine particles.

One of ordinary skill, upon review of EP '599 receives no direction to use an antistatic agent in any layer other than the heat-sealable resin layer. There is no suggestion to use an

antistatic agent in the interlayer such as claimed. The present invention is not obvious over EP '599 alone, and withdrawal of this ground of rejection is kindly requested.

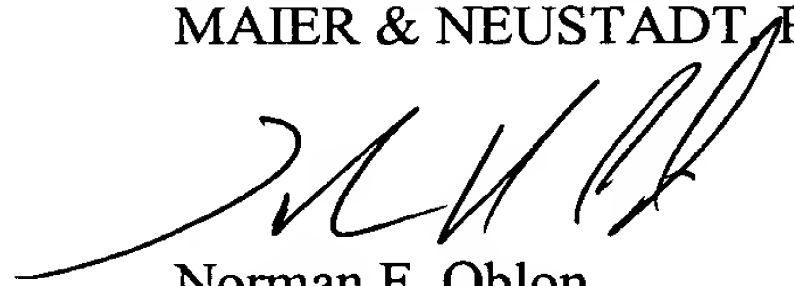
Similarly, the invention is not made obvious by the combination of Janocha et al and EP '599. There is nothing in Janocha et al to overcome the teaching in EP '599 that the antistatic agent should appear only in the heat-sealable resin layer. There is no suggestion to substitute one of Janocha et al's "top layers" for the heat-sealable layer required by EP '599. There is less motivation to substitute Janocha et al's particular core layer with the heat-sealable layer of EP '599. None of Janocha et al's examples recite any antistatic agents in any of the layers, as was discussed during the interview. The mere disclosure at column 5, lines 36-38 of Janocha et al that antistatic agents, slip agents or stabilizers may be optionally added to the core layer and/or the top layers does not overcome the teaching in EP '599 that the antistatic agent should appear in the heat-sealable layer. Accordingly, even the combined disclosures fail to teach the claimed label, which requires at least an interlayer comprising an antistatic agent. The present invention is believed to be patentable over the cited references, and Applicants kindly request that the rejection be withdrawn.

As was noted during the interview, EP '599 is equivalent to JP-A-11-352888, which is discussed at page 3, lines 13-20 of Applicants' specification. Applicants also point out Comparative Example 6 on page 25, lines 4-6 and Tables 1 and 2, which was prepared in accordance with JP-A-11-352888. Although *prima facie* obviousness does not exist over EP '599, it is notable that the present invention avoids defects due to resin-like stains, in contrast to in-mold labels of the type disclosed in EP '599.

Applicants respectfully submit that this application is now ready for allowance and issue, and early notice of such action is kindly requested.

Respectfully submitted,

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